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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,886	01/12/2004	Yong-Chang Wen	14168 B	1561

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/755,886

Applicant(s)

WEN, YONG-CHANG

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 10 (as numbered by the Applicant), Applicant defines the "upward protruding catch rested on the holding portion". That is unclear and confusing language especially when Applicant has defined the "holding portion formed with a downward facing locking recess". How can the "catch portion" rest on a "downward facing locking recess"? Also, Figures 1, 3, and 6 show the catch portion extending upwardly into the "downward facing locking recess". Also, with such an arrangement, how does the "seat module" remain in the sitting or horizontal position shown in Figures 1 and 6-7? Is one to assume that there is a snug fit between the "catch portion 22" and the downward facing recess 32" just so that it stays there until someone sits in the chair to maintain the sitting or horizontal position? On line 12,(as numbered by the Applicant), What does Applicant mean by "combined". Does he mean that the seat module is -- secured -- to the "second leg"? Applicant also uses the term "combined" in claim 8, line 14 (as numbered by the Applicant) and claim 9, line 19 (as numbered by the Applicant). In

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claim 8, does Applicant mean "connect" or fasten together? In claim 9 does he mean "stack" when he use the word "combine"?

Finally, it seems Applicant intended to or sould have claimed or defined a - - system of chairs - - in claim s 8-9. In claim 1, Applicant has only defined a "foldable chair". But in claims 8-9, he refers to "a plurality of foldable chairs". As written, the claim reads as if the "foldable chair" is capable of being "locked" to any and all foldable chairs but does not establish that the chair(s) are identical. The same problem exists in claim 9. Perhaps Applicant can correct this problem by inserting the word - - the - - in front of the word "expanded" in both claims 8 and 9.

The aforementioned problems render the claims vague and indefinite.  
Clarification and/or correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Clarin (U.S. Patent No. 2,207,338).

Clarin teaches a foldable chair, comprising a first leg 10, a second leg 13 pivotally connected with the first leg, and a seat module pivotally mounted on the first

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leg and detachably locked on the second leg, wherein the second leg is formed with a forward protruding holding portion 18 formed with a downward facing locking recess 22; the seat module includes a support frame 17 pivotally connected with the first leg; and the support frame of the seat module has an end formed with an upward protruding catch portion 25 rested on the holding portion of the second leg and detachably locked in the locking recess of the holding portion, so that the support frame of the seat module is combined with the second leg, the seat module further comprises a seat cushion 15, the legs having anti-skid surfaces.

Claims 3 and 6-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collignon et al, Comins, Richardson, Koenig, Jr, Craig, Read et al, Bales, White et al, Henrickson et al, Nordmark, Cook, Eves, Adler, Foose, Spencer, Manne et al, Norquist, Crescent, Lockshin, Fox et al, Bletrami et al, Deconinck, Stanfield, Kaufman, Wu, Stanfield, Bruschi, Chang, Atkins et al, Smith et al, Richardson, Leng, Noor, Huang, Noor, and Piretti teach similar chairs and concepts to that of the present invention .

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276. The examiner can normally be reached on 5:30 AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
June 28, 2004

  
